

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JOHN ST. ROSE and ROSALINE ST.
ROSE,**

Plaintiffs,

v.

**MOBILE PAINT MANUFACTURING
COMPANY OF DELAWARE d/b/a
THE NEW PAINT LOCKER,
SEALOFLEX CHEMICAL, INC.,
SEALOFLEX SALES, INC., and
SEALOFLEX PROPERTIES, INC., and
MOBILE PAINT CARIBBEAN, INC.,**

Defendants.

2004-CV-0114

**TO: Lee J. Rohn, Esq.
Wilfredo A. Geigel, Esq.
Michael J. Sanford, Esq.**

ORDER REGARDING PLAINTIFFS' MOTION FOR ADDITIONAL SANCTIONS

THIS MATTER is before the Court for consideration upon Plaintiffs' Motion For Additional Sanctions (Docket No. 236). The Court had deferred ruling upon said motion pending Mobile Paint Defendants' appeal of a previous order (Docket No. 244). Senior District Judge Finch ruled upon said appeal and affirmed the undersigned's Order Denying

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Defendants' Motion For Reconsideration by Order (Docket No. 256) entered December 3, 2008.

The long and tortuous history behind this motion dates back to January 16, 2008, when Plaintiffs filed a motion (Docket No. 186) requesting sanctions for said Defendants' failure to supplement certain responses to interrogatories and produce certain documents in accordance with the Court's Order dated December 4, 2007. The Court found that Defendants had failed to comply with the order at issue and that sanctions were warranted. Docket Nos. 201 and 202. Said Defendants filed a motion for reconsideration (Docket No. 203), which the Court denied (Docket No. 211).

Plaintiffs' then filed a motion for additional sanctions, alleging that Defendants had failed to comply with the terms of the order granting sanctions (Docket No. 201 and 202) by failing to tender the amount of the monetary sanction, by providing supplemental responses beyond the deadline, and by providing supplemental responses that are nonresponsive to the actual discovery requests at issue. The Court granted the motion for additional sanctions (Docket No. 224). Said Defendants filed a motion for reconsideration of that order (Docket No. 227), and the Court, by order (Docket No. 238), denied the request to reconsider. Thereafter, said Defendants filed an appeal (Docket No. 239) of the denial of reconsideration to the District Judge.

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In their current motion for additional sanctions, Plaintiffs allege that Defendants again have failed to comply with the directives of the Court contained in its order granting additional sanctions (Docket No. 224). The Order affirming the undersigned's denial of the request to reconsider (Docket No. 256) was entered December 3, 2008. The record is void of any filing by said Defendants giving notice that they have complied with the directives of the Court's previous orders. Consequently, the Court finds that additional sanctions are warranted.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiffs' Motion For Additional Sanctions (Docket No. 236) is **GRANTED**.
2. Defendants Mobile Paint Manufacturing Company of Delaware d/b/a/ The New Paint Locker and Mobile Paint Caribbean, Inc., shall pay to Plaintiffs' counsel and file notice thereof with the Court, the amount of **\$800.00** as and for Plaintiffs' attorney's fees that was supposed to have been paid for the previous motion for additional sanctions and **\$400.00** as and for Plaintiffs' attorney's fees for the current motion for additional sanctions on or before **Friday, January 9, 2009**.
3. As an additional sanction for said Defendants' repeated failures, said Defendants' affirmative defenses are **STRICKEN**.

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ENTER:

Dated: December 29, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE